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Attorneys for Defendants, Dr. Lori Bennett, in her individual and official capacities as President of Clovis Community College, Marco J. De La Garza, in his individual and official capacities as Vice President of Student Services at Clovis Community College, Gurdeep Hebert, in her individual capacity and official capacities as Dean of Student Services at Clovis Community College; Patrick Stumpf, in his individual and official capacities as Senior Program Specialist at Clovis Community College

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ALEJANDRO FLORES; DANIEL FLORES;
JULIETTE COLUNGA; and YOUNG
AMERICANS FOR FREEDOM AT CLOVIS
COMMUNITY COLLEGE,

Plaintiffs,

v.

DR. LORI BENNETT, in her individual and official capacities as President of Clovis Community College; MARCO J. DE LA GARZA, in his individual and official capacities as Vice President of Student Services at Clovis Community College; GURDEEP HEBERT, in her individual and official capacities as Dean of Student Services at Clovis Community College; and PATRICK STUMPF, in his individual and official capacities as Senior Program Specialist at Clovis Community College,

Defendants.

Case No.: 1:22-cv-01003-JTL-HBK

**DEFENDANTS' REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
MOTION TO STAY THE CASE
PENDING THE RULING OF THE NINTH
CIRCUIT ON DEFENDANTS'
INTERLOCUTORY APPEAL**

Judge: The Honorable Jennifer L. Thurston

DATE: MAY 22, 2023

TIME: 9:00 AM

COURTROOM: 4

COMES NOW, Defendants, Dr. Lori Bennett, Patrick Stumpf, Marco De La Garza, and Gurdeep Hebert'sc("Defendants"), and hereby requests this Court take judicial notice, pursuant to Federal Rule of Evidence 201. Federal Rule of Evidence 201 specifically provides that judicial notice may be taken where "a fact that is not subject to reasonable dispute because it ... (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." (FRE 201(b)(2).) The instant request is made with respect to specific records of this Court. Thus, the correctness of the following documents is not reasonably subject to dispute and can be immediately and accurately determined by the review of the Court's own records:

1. Appellants' Opening Brief for the case entitled *Alejandro Flores; Daniel Flores; Juliette Colunga; and Young Americans For Freedom at Clovis Community Collegev. Dr. Lori Bennett; Marco J. De La Garza; Gurdeep Hebert; and Patrick Stumpf*, United States Court of Appeals for the Ninth Circuit Case. No. 22-16762, filed on or about December 9, 2022.
2. Court clerk's notice that the appeal is being considered for oral arguments, Docket No .23 for the case entitled *Alejandro Flores; Daniel Flores; Juliette Colunga; and Young Americans For Freedom at Clovis Community Collegev. Dr. Lori Bennett; Marco J. De La Garza; Gurdeep Hebert; and Patrick Stumpf*, United States Court of Appeals for the Ninth Circuit Case. No. 22-16762, filed on or about March 29, 2023
3. Defendants' Opposition to Plaintiff's Motion for Preliminary Injunction for the case entitled *Alejandro Flores; Daniel Flores; Juliette Colunga; and Young Americans For Freedom at Clovis Community Collegev. Dr. Lori Bennett; Marco J. De La Garza; Gurdeep Hebert; and Patrick Stumpf*, United States District Court Eastern District of California Case. No. 1:22-cv-01003-JLT-HBK, filed on or about September 1, 2021, and all supporting documents.
4. Defendants' 12(b)(6) Motion for the case entitled *Alejandro Flores; Daniel Flores; Juliette Colunga; and Young Americans For Freedom at Clovis Community Collegev. Dr. Lori Bennett; Marco J. De La Garza; Gurdeep Hebert; and Patrick Stumpf*, United States District Court Eastern District of California Case. No. 1:22-

cv-01003-JLT-HBK, filed on or about September 1, 2021, and all supporting documents.

5. Defendants' 12(4) Motion for the case entitled *Alejandro Flores; Daniel Flores; Juliette Colunga; and Young Americans For Freedom at Clovis Community Collegev. Dr. Lori Bennett; Marco J. De La Garza; Gurdeep Hebert; and Patrick Stumpf*, United States District Court Eastern District of California Case. No. 1:22-cv-01003-JLT-HBK, filed on or about September 1, 2021, and all supporting documents.

6. The Court's Order granting Plaintiffs' Motion for Preliminary Injunction, for the case entitled *Alejandro Flores; Daniel Flores; Juliette Colunga; and Young Americans For Freedom at Clovis Community Collegev. Dr. Lori Bennett; Marco J. De La Garza; Gurdeep Hebert; and Patrick Stumpf*, United States District Court Eastern District of California Case. No. 1:22-cv-01003-JLT-HBK, filed on or about October 14, 2022, and all supporting documents.

7. Defendants' notice of appeal for the case entitled *Alejandro Flores; Daniel Flores; Juliette Colunga; and Young Americans For Freedom at Clovis Community Collegev. Dr. Lori Bennett; Marco J. De La Garza; Gurdeep Hebert; and Patrick Stumpf*, United States District Court Eastern District of California Case. No. 1:22-cv-01003-JLT-HBK, filed on or about November 11, 2022, and all supporting documents.

Dated: 4/21, 2023

DeMaria Law Firm, APC

By: 

Anthony N. DeMaria
Attorneys for Defendants,
Dr. Lori Bennett, Patrick Stumpf,
Gurdeep Hebert, and Marco J. De La Garza

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF FRESNO

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Fresno, State of California. My business address is 1684 W. Shaw Avenue, Fresno, CA 93711.

On April 21, 2023, I served true copies of the following document(s) described as **DEFENDANTS' REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO STAY THE CASE PENDING THE RULING OF THE NINTH CIRCUIT ON DEFENDANTS' INTERLOCUTORY APPEAL** on the interested parties in this action as follows:

Counsel for Plaintiff –

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BY MAIL: I enclosed said document(s) in a sealed envelope or package addressed to the persons at the address listed on the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day the correspondence is placed from collection and mailing it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully pre-paid.

☒ **By E-Mail or Electronic Transmission:** Based on a court order or an agreement of the parties to accept service by email or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Executed on April 21, 2023, at Fresno, California.


Chris Galarza